

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robin Teskin on December 2nd, 2010.

The application has been amended as follows:

- a. As to claim 4, "threshold value. and" in line 9 has been amended to -- threshold value, and--
- b. Claim 6 has been replaced with the following:

6. (Currently Amended) An apparatus programmed to indicate the placement of an endo-tracheal tube for ventilation, the apparatus comprising the following elements:
a processing unit for identifying impedance changes upon ventilation;
a measuring unit comprising at least two measuring electrodes for measuring the impedance of a body, the measuring unit being in communication with the processing unit;
a power source for the apparatus; and
a display or alarm device,
wherein the processing unit is programmed to identify impedance changes above a specific threshold value, and wherein ~~An apparatus as claimed in claim 4 wherein,~~ the processing unit is programmed to carry out the following steps:

receive a first impedance measurement value,
identify if there is a threshold value, if there is no threshold value adopt the first impedance measurement value as the threshold value,
receive a second impedance measurement value and then identify if the impedance value is equal to or greater than the specified threshold level, if the threshold value is not reached then the processing unit will activate at least one of the alarm device and the display device to indicate incorrect intubation.

c. Claim 9 has been replaced with the following:

9. (Currently Amended) An apparatus as claimed in claim 4 wherein the ~~processing unit is programmed to identify impedance changes which are significantly above a specified threshold value which~~ is 0.5 ohms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTIAN JANG whose telephone number is (571)270-3820. The examiner can normally be reached on Mon-Thurs (10-9:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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12/02/10